

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

Attorney Docket No. 2420-0012

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled: CLOSURE INDICATOR FOR CUP LID, the specification of which is attached hereto unless the following box is checked:

☒ The specification was filed on February 9, 2000
and was assigned Serial No. 09/500,457
(if known)
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows:

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and checked at right:

| Prior Foreign Application(s) (Number) | (Country) | (Month/Day/Year Filed) | Priority Claimed | |
|--|-----------|------------------------|------------------|----|
| | | | Yes | No |
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All foreign applications, if any, for any Patent or Inventor's Certificate filed more than 12 months prior to the filing date of this application:

| Country | Application No. | Date of Filing (Month/Day/Year) |
|---------|-----------------|---------------------------------|
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I hereby claim the benefit under Title 35, United States Code, §119(e) or §120, as applicable, of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Serial No. | Filing Date | Status: patented, pending, abandoned |
|------------------------|---------------|--------------------------------------|
| 09/337,033 | June 29, 1999 | Pending |
| | | |

I hereby appoint the following attorneys to prosecute this application and/or any international application and to transact all business in the Patent and Trademark Office connected therewith:

Daniel W. Sixbey, (Reg. No. 20,932)
 Charles M. Leedom, Jr. (Reg. No. 26,477)
 David S. Safran (Reg. No. 27,997)
 Donald R. Studebaker (Reg. No. 32,815)
 Tim L. Brackett (Reg. No. 36,092)
 Robert M. Schulman (Reg. No. 31,196)
 Robin C. Clark (Reg. No. 40,956)
 Marc S. Kaufman (Reg. No. 35,212)


Stuart J. Friedman (Reg. No. 24,312)
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 Thomas W. Cole (Reg. No. 28,290)
 Jeffrey L. Costellia (Reg. No. 35,483)
 Eric J. Robinson (Reg. No. 38,285)
 Thomas M. Blasey (Reg. No. 33,475)
 Daniel S. Song (Reg. No. 43,143)
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Send Correspondence to:

Donald R. Studebaker
 NIXON PEABODY, LLP
 8180 Greensboro Drive, Suite 800
 McLean, Virginia 22102
 Telephone: (703) 790-9110

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned hereby authorize any U.S. attorney or agent named herein to accept and follow instructions from _____ as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys or agents named herein will be so notified by the undersigned.

| | | |
|--|---|-------------|
| FULL NAME OF SOLE OR FIRST INVENTOR | INVENTOR'S SIGNATURE | DATE |
| David WEISS |  | MAY 3, 2000 |
| RESIDENCE (City, State & Country) | CITIZENSHIP | |
| PLANTATION, FL. USA | American | |
| POST OFFICE ADDRESS (Complete Address including City, State & Country) | | |

| | | |
|--|--|-------------|
| FULL NAME OF SECOND JOINT INVENTOR | INVENTOR'S SIGNATURE | DATE |
| Ronald I. KALL |  | May 3, 2000 |
| RESIDENCE (City, State & Country) | | CITIZENSHIP |
| PLANTATION, FL. USA. | | American |
| POST OFFICE ADDRESS (Complete Address including City, State & Country) | | |

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VERIFIED STATEMENT (DECLARATION)
CLAIMING SMALL ENTITY STATUS
(37 C.F.R. 1.9(f) AND 1.27(c))
SMALL BUSINESS CONCERN

Nixon Peabody, LLP
United States Patent Rights

ATTORNEY DOCKET NO. 2420-0012

Applicant or Patentee: David WEISS and Ronald I. KALL

Serial or Patent No.: 09/500,457

Filed or Issued: February 9, 2000

For: CLOSURE INDICATOR FOR CUP LID

I hereby declare that I am

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Design Safety Corporation

ADDRESS OF CONCERN 1844 North Nob Hill Road, Suite 233, Plantation, FL 33322

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121.3-18, and reproduced in 37 C.F.R. 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled CLOSURE INDICATOR FOR CUP LID by inventor(s) David WEISS and Ronald I. KALL

described in

☐ the specification filed herewith

☒ application serial no. 09/500,457, filed February 9, 2000

☐ patent no. _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. 1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

FULL NAME DAVID WEISS

ADDRESS 1844 W. N. H. H. Ste 233
RASTON, FL 33322

☒ Individual

☐ Small Business Concern

☐ Nonprofit Organization

FULL NAME _____

ADDRESS _____

☐ Individual

☐ Small Business Concern

☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: David Weiss

TITLE OF PERSON OTHER THAN OWNER: President

ADDRESS OF PERSON SIGNING: 1844 W. N. H. H. Ste. 233
RASTON, FL 33322

SIGNED: _____

DATE: 5/3/00